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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433				
EXAMINER				
LAM, FRANCISCO A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/570,644

Applicant(s)

WILLGERT, MIKAEL

Examiner

FRANCISCO LAM

Art Unit

4192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 03/03/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: the last limitation in claim 1 the "and" is not supported by the specification and it should be changed to "or". Claim 1, limitation "wherein said receiving unit is at least one of a mobile telephone and a computer that receives a signal sent via a mobile telephone network and that receives said relevant data in the form of at least one of an SMS-message, an MMS- message, an E-mail message and voice message ". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 are rejected under 35 U.S.C 102(b) as being anticipated by Rimer (U.S 5,432,841).

Claim 1, Rimer discloses a method of transmitting geographically governed information (Column 1, lines 22-25; Column 21, lines 35-40; pick-up sites) to automotive vehicles or to individuals, based upon the location of said vehicle or individuals (Col. 1, lines 21-25), said method comprising the steps of: determining an approximate position (Fig. 1, Col. 3, lines 57-68; Col. 4, lines 1-16 and lines 49-52 ; Fig. 2, Col. 7, lines 40-57)

of the vehicle or the individual is in relation to permanently spaced communication units (Fig. 2, elements 36a-c) for radio communication between said units and a vehicle-carried or an individual-carried communication unit (Fig.1, ele. 34a-d; Col. 3, lines 46-50; Fig. 2, ele. 47;) ; providing a computer (Fig. 2, ele. 46) and associated database (Fig. 2, ele. 61) for containing information which includes different data relevant to different geographical areas; determining positions and direction (i.e. moving vehicles from one roaming network to another; Fig. 1, Col. 3, lines 57-68; Col. 4, lines 1-16; Fig. 2; Col. 5, lines 47-59; Col. 7, lines 26-32 and lines 46-49) of movement of a vehicle or of an individual by at least two of said permanently spaced communication units (Fig. 2, ele. 36a-c); sending from the computer (Fig 2, ele. 44) said relevant data to a receiving unit (Fig. 2, ele. 47) in each vehicle or to each individual based upon a geographical area (Fig. 2, ele. 38c Host) in which the vehicle or the individual are is located; wherein said receiving unit (Fig. 2, ele. 47) is at least one of a mobile telephone and a computer (Fig. 3; Col. 7, lines 60-65) that receives a signal sent via a mobile telephone network (Fig. 3, ele. 58) and that receives said relevant data in the form of at least one of an SMS-message, an MMS- message, an E-mail message (Col. 5; lines 10-16), and a voice message.

Claim 2, Rimer discloses a method according to claim 1, including the steps of: equipping each a vehicle or each a person with a communications unit in the form of a transponder (Fig. 3, ele. 48) that can be read by said permanently spaced communication units (Fig. 2, ele. 36a-c) in the form of a communicator that includes a

transceiver unit (Fig. 3, ele. 50) ; sending (paging) from a communicator an inquiry signal to the a transponder (reads on the Mobile Switching Center (MSC) paging the mobile telephone corresponding to an area where it last updated. The base station receives a paging request from the MSC. Then, the base station pages the mobile to establish communication) ; responding by the transponder to the inquiry signal to transfer the transponder-related identification information to the communicator, which receives the identification information (reads on the mobile responding to the paging request sent by the base station and providing an identification number or MSN (Col. 7; lines 3-5) to obtain access to the network) ; by placing communicators at places located in various geographical areas in which it is desired to present said geographically governed information (Fig. 2, ele. 36a-c); wherein each communicator that reads receives a response from a transponder sends the identification information to said computer (Col. 8, lines 5-18) ; and sending (Col. 22, lines 36-54) said geographically governed information (Col. 1, lines 22-25; Col. 21, lines 35-40; pick-up sites); to said receiving unit (Fig. 2, ele. 47).

Claim 3, Rimer discloses a method according Claim 2, including the step of: determining the an approximate position of the vehicle or of the individual and the traveling direction when the vehicle-carried or the individual- carried transponder has responded to at least two or more mutually sequentially located permanently spaced communication units (Col. 3, lines 57-68; Col. 4, lines 1-16).

Claim 4, Rimer discloses a method according to claim 2, wherein the transponder an RFID-transponder (Fig. 3, ele. 48; Col. 7, lines 3-14 and lines 60-68; Col. 8 lines 1-5).

Claim 5, Rimer discloses a method according to claim 1, including the steps of: equipping a vehicle or individual with said a communications unit in the form of a mobile telephone (Fig. 3; Col. 7, lines 60-65); establishing an approximate position (Fig. 1, Col. 3, lines 57-68; Col. 4, lines 1-16; Fig. 2; Col. 5, lines 47-59; Col. 7, lines 26-32 and lines 46-49) of said mobile telephone through the medium of said permanently spaced communication units (Fig. 2, ele. 36a-c) in the form of base stations (Fig. 2, 36c Host) belonging to a mobile telephone system (Fig. 1) ; transferring information relating to a position of a mobile telephone identified by a respective base station to said computer (Col. 20, lines 49-60); sending (Col. 22, lines 36-54) said geographically governed information to said mobile telephone carried by the vehicle or by said individual (Col. 22, lines 36-54); and determining an approximate position of the mobile telephone and a traveling direction when the mobile telephone is in an area covered by a base station after having been located within the area covered by an adjacent pre-eding base station (Fig. 1, Col. 3, lines 57-68; Col. 4, lines 1-16).

Claim 6, Rimer discloses a method according to claim 1, including the step of sending geographically governed information to respective receiving units at given time intervals (reads on the procedure of tracking a vehicle (schedule search procedure) and

transmit a message to this vehicle at this specific time as scheduled. Col. 28, lines 2-7 and lines 14-17; Col. 33, lines 32-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C 103(a) as being unpatentable over Rimer in view of Dorenbosh et al. (US 7190956).

2. Regarding claim 7, Rimer discloses a method of transmitting geographically governed information to automobile vehicles as recited in claim 1.

Rimer does not disclose a step of sending geographically governed information to receiving units only a predetermined number of times.

Dorenbosh discloses an instant message proxy for circuit switched mobile environment. Dorenbosh teaches a step of sending an instant message to a mobile station a predetermined number of times (Col. 3, lines 9-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rimer system for locating and communicating to incorporate a step of re-sending a message a predetermined number of times. The

motivation would have been to maximize the bandwidth efficiency and reduced the number of times of re-sending the same message (Col. 7, lines 1-2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference Pressel et al. (US 5,900,825) discloses a system and method of communicating location and direction specific information to a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANCISCO LAM whose telephone number is (571)270-7080. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F. L.

Examiner, Art Unit 4192

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4192